

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

United States of America	:	
	:	
v.	:	No. 18-cr-274(VLB)
	:	
JOSE PEREZ	:	
	:	SEPTEMBER 20, 2021
	:	

**MEMORANDUM OF DECISION GRANTING IN PART AND DENYING IN PART
DEFENDANT’S MOTION IN LIMINE ON THE GOVERNMENT’S USE OF THE TERMS
“CONVICTED FELON” AND “FELON” [Dkt. 70]**

Before the Court is Defendant, Jose Perez’s, motion in limine seeking a Court order instructing the Government and its witnesses to refrain from referring to Mr. Perez as a “convicted felon” or a “felon.” [Dkt. 70, Mot.]. The Government opposes, arguing that it should not be “precluded” from referring to Mr. Perez as a “convicted felon” or a “felon.” [Dkt. 79, Opp.]. The Court assumes the parties’ familiarity with the facts of this case.

The Court grants in part and denies in part Defendant’s motion. Defendant did not seek, nor does this Court grant, full preclusion of the terms “convicted felon” or “felon.” The Government can use the terms “convicted felon” and “felon” for three purposes. First, the Government can use the terms for the purpose of establishing an element of the offense or, second, if necessary to explain police conduct, subject to Rule 403 of the Federal Rules of Evidence, which authorizes the Court to exclude such evidence if its probative value is substantially outweighed by a danger of unfair prejudice. Third, the Government can use the terms for impeachment purposes subject to Rule 609(a)(1)(B), which requires a

showing that the probative value of the evidence outweighs its prejudicial effect to the defendant.

Therefore, the Court grants in part and denies in part Defendant's motion in limine. [Mot.]. The Government may use the terms "convicted felon" or "felon" for the limited purposes outlined above, but is warned that the Court will not allow it or its witnesses to employ the terms more than necessary to achieve the permissible purposes.

IT IS SO ORDERED.

/s/
Hon. Vanessa L. Bryant
United States District Judge

Dated this day in Hartford, Connecticut: September 20, 2021